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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,299	06/13/2001	Norio Sakuma	KIN24AUSA	7382

270 7590 10/04/2002

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EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/880,299		SAKUMA ET AL.	
	Examiner		Art Unit	
	Mark Halpern		1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 3-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/366,628.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

- 1) Applicants election with traverse of invention I, drawn on claims 3-8, in Paper No. 6, is acknowledged. The traversal is on the ground(s) that the inventions I and II contain nearly identical language, and that the apparatus is not likely to be used to practice another process. This is not found persuasive because the belt of the present application can be used to practice another and materially different process, for example, transport of coal.

The requirement is still deemed proper and is therefore made FINAL.

- 2) Claims 9-14, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention, there being no allowable generic or linking claim.

Specification

- 3) Cross-reference section, page 1, should indicate that application 09/366,628, has been abandoned.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) Claims 3-8, are rejected under 35 U.S.C. 102(b) as being anticipated by Mashimo (4,518,376).

Claims 3, 6: Mashimo discloses a belt that is made of a base layer 13 and a thick resin layer 16 underlying the base layer. The belt also has a thin resin layer 17 overlying the base layer. The resin layer is made of a rubber, for example, chloroprene rubber, and may contain various additives. The resin layer of the belt is structured to have its opposite side edges smaller in thickness than its middle part (col. 2, line 43 to col. 3, line 68, and Figures 3-5). The belt has opposite parallel surfaces, as shown in Figure 3. The claims recite that the instant belt is in a papermaking machine for transporting a paper sheet. The recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the cited prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The claims also recite a curling prevention function of the belt. This function does not change the overall structure and thus does not add patentability to the present claims.

Claims 4, 7: the claims recite that the "belt is a belt from the group consisting of shoe press belts and transfer belts". The naming of the belt as a "shoe belt" or a "transfer belt" does not change the overall structure and thus does not add patentability to the present claims.

Claims 5, 8: Mashimo, in Figure 1, discloses rollers 11 and 12, over which the belt travels. The belt's opposite parallel surfaces contact the cylindrical surfaces rollers over its entire width, layer 16 being the compression section of the belt.


Conclusion

5) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patents issued to Stanhope (5,658,655), Kawashima (5,753,369), Mishima (5,954,606), Komai (4,737,138), disclose a belt that has a base layer and an overlying or an underlying resin layer structured so that its opposite side edges are of a lesser thickness than the middle layer.

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone no. is 703-308-0651.



Mark Halpern
Patent Examiner
Art Unit 1731

September 30, 2002